

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

20 OCT -9 AM 11:51

CLERK-LAS CRUCES

United States of America)

v.)

Isaac Raymond RODRIGUEZ)

Case No: 20-1727 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of October 07, 2020 in the county of Hidalgo in the State and District of New Mexico, the defendant violated & U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

Knowingly, intentionally, and unlawfully conspired, combined, confederated and agreed with others known and unknown, to commit offenses against the United States, namely: to transport, move, and attempt to transport and move an alien within the United States by means of transportation and otherwise.

This criminal complaint is based on these facts:

On October 7, 2020, at approximately 8:50 p.m., Border Patrol Agent (BPA) One, along with his Service K9, were conducting patrol duties on Highway 80 north of Rodeo, New Mexico. They were travelling southbound on Highway 80 when the Lordsburg Tactical Operations Center (883) transmitted a "Be On the Look Out" for a gray SUV suspected of having been driven across the international border with a load of contraband or undocumented aliens. Highway 80 is a notorious smuggling egress route from the wilderness border areas of southwestern New Mexico and southeastern Arizona. At approximately 8:55 p.m., while travelling southbound on Highway 80 near Rodeo, New Mexico, Agent One observed a gold SUV travelling northbound.

☒ Continued on the attached sheet.

Complainant's signature

Justin Thurnherr, Agent

Printed name and title

Sworn to before me and signed ^{telephonically.} in my presence.

Date: October 9, 2020City and state: Las Cruces, N.M.

Judge's signature

Gregory B. Wormuth, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Isaac Raymond RODRIGUEZ

Continuation of Statement of Facts:

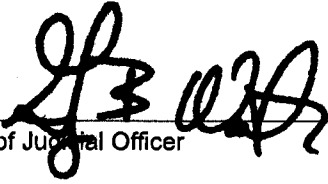
Since this was the first passenger vehicle he had seen in 30 minutes and it appeared to match the BOLO description, he turned around to investigate it further. He observed that it was a gold 2001 Jeep Grand Cherokee with dark windows that were covered in fine dust. A single handprint was visible on the dust near the tailgate handle. The license plates were from Arizona. Agent One requested registration information via Service Radio from Deming Control (892) and they replied that the Jeep was registered to a resident of Duncan, Arizona. Agent One considered his observations to this point: (a) a vehicle matching the description of a suspected smuggling attempt was (b) travelling northbound on a notorious smuggling route (c) under cover of darkness to impede close observation by law enforcement. The vehicle was (d) covered in fine dust, indicative of having to drive on a dirt road to load out in a remote unseen area before entering the highway to escape; the handprint further indicated that the rear tailgate was recently opened, perhaps to load undocumented aliens or contraband into the rear cargo area. Because of these factors, Agent One suspected that he was observing a smuggling attempt.

Agent One activated his emergency lights and siren and, a few moments later, the Jeep stopped on the northbound shoulder near the 9 mile marker. As Agent One approached the passenger's side door, he noticed two subjects laying down without blankets or pillows in the rear cargo area. He also noticed three subjects sitting upright in the back seat and a driver and a passenger in the front. Agent One identified himself as a U.S. Border Patrol Agent and asked the driver if he was a U.S. Citizen, in the English language, to which he replied, "Yes" with an American accent. He then asked the passenger the same question in the same manner and he replied "Yes" with a foreign accent. As Agent One leaned closer to the open passenger's window to question the rear seat passengers, he could smell strong body odor and desert flora. Agent One questioned the rear passengers, who did not speak English, and they readily admitted that they were not U.S. Citizens and that they did not possess any valid immigration documents that would allow them to be in the United States legally. He then turned back to the front passenger and, after repeating his citizenship questions in the Spanish language, the passenger admitted that he was also an undocumented alien. Agent One suspected that the driver, later identified as Isaac Raymond RODRIGUEZ was knowingly transporting aliens in furtherance of their illegal entry into the United States for profit. At approximately 9:00 p.m., Agent One arrested RODRIGUEZ for violating 8 USC 1324 - Transporting and the six subjects for being foreign citizens that were present in the United States without any valid immigration documents. Agent One advised RODRIGUEZ of his rights under the Miranda decision in the English language. All subjects and the vehicle were transported to the Lordsburg Border Patrol Station for further investigation and processing.

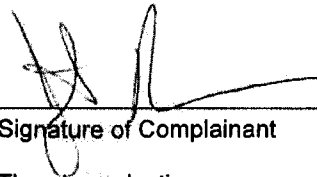
At the Station Border Patrol Agent (BPA) Two conducted a post Miranda interview with, Isaac RODRIGUEZ, driver of a 2001 Jeep Grand Cherokee of event LOB2110000026, in reference to his apprehension. Prior to questioning the subject, he was advised his rights via Government Form I-214, and he acknowledged that he understood his rights and was willing to answer questions without the presence of an attorney. Rodriguez admitted during questioning that he was hired by a friend to do a job. He claims he didn't know at first that it was to transport illegal aliens, however once the illegal aliens loaded into his vehicle he thought to himself "this is illegal". Rodriguez continued north on highway 80 anyways until he was pulled over by Agent One. Rodriguez stated he expected to be paid a minimum of \$1500 - \$1600 for the job.

Continuation of Statutory Language:

Criminal Complaint
20MJ1727



Signature of Judicial Officer



Signature of Complainant

Thurnherr, Justin

Filing Agent